

Tuesday, October 16, 2012

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.

Consent Agenda – Review and Approval:

1-24. This is the time set for consideration of the Consent Agenda.

Chairperson Patterson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 24 on the following vote is indicated for each item.

Motion by: Paul Teixeira
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request to approve an agreement, in the amount of \$365,854, with the San Luis Obispo County Visitors and Conference Bureau (VCB) to provide various tourism promotion activities, including the promotion of County’s Parks, Golf Courses, and Airports, and to continue to carry out the Uniquely SLO Cluster of the Economic Strategy.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer.

2. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appoint John Fairweather to replace Noreen Martin on the CBID Advisory Board for the remaining year of her four (4) year term.

The Board approves as recommended by the County Administrative Officer.

3. Request to approve the Board of Supervisors meeting calendar for 2013.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

4. Request to approve an agreement with the Atascadero Colony Days Committee allocating \$1,800 from District Five Community Project Funds – Fund Center #106 to be used for expenses associated with holding the annual Colony Days event on October 20th, 2012.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

5. Request to destroy Proposition 218 Ballots for the San Luis Obispo County Flood Control and Water Conservation District Flood Zone 1 and 1A and the Los Osos Wastewater Assessment District 1.

Districts 2, 3 & 4.

The Board approves as recommended by the County Administrative Officer.

6. Request to approve resolutions (Clerk's File) from school districts, special districts and cities requesting consolidation of district elections with the November 6, 2012 Consolidated General Election. All Districts.

Mr. Tommy Gong – Assistant Clerk-Recorder: amends the staff report and clerk's file document.

This item is amended by correcting the staff report and the clerk's file coversheet to include the Allan Hancock Joint Community College District and the California Valley Community Services District that were inadvertently left out of the districts requesting consolidation of their biennial elections with the November 6, 2012 Consolidated General Election. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

7. Submittal of the Port San Luis Harbor District 2012-13 Final Budget and implementing resolution.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - County Fire Items:

8. Request to approve Amendment #1 to the FY 2012-13 annual agreement for cooperative fire protection services with the California Department of Forestry and Fire Protection (CAL FIRE) and a related budget adjustment in Fund Center 140 - County Fire to reduce both revenues and expenditures by \$17,594.00 which will pass through savings to the Los Osos Community Services District that will result from the CAL FIRE employee furloughs. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

9. Request to approve a lease with Potratz Properties, LLC, located at 3563 Empleo Street in San Luis Obispo for the Department of Social Services. District 3.

The Board approves as recommended by the County Administrative Officer.

10. Request to transfer a public lot, comprised of a .92 acre strip of County owned land in the Templeton area, to an adjoining land owner to correct a survey error made in connection with a donation of real property. The request includes adoption of a resolution and execution of a Quitclaim Deed to complete the transfer. District 1.

This item is amended by replacing the resolution at the request of the Duveneck family. The changes reflect a more accurate explanation of the reason for the new map. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2012-251, adopted as amended.

Consent Agenda - Health Agency Items:

11. Request to approve a grant award (Clerk's file) from the State of California Emergency Management Agency in the amount of \$200,000 to provide seven sober living beds; and authorize a corresponding budget adjustment in the amount of \$200,000 from unanticipated revenue to Fund Center 166 - Behavioral Health.

The Board approves as recommended by the County Administrative Officer.

12. Submittal of a resolution amending the existing Position Allocation List for Fund Center 350 - County Medical Services Program by deleting a 1.0 FTE Accounting Technician position and adding a 1.0 FTE Senior Account Clerk position.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-252, adopted.

13. Request to approve a second amendment to the Multi-Year State Agreement (Clerk's File) with the State Department of Health Care Services for FY 2010-2013, to increase the Drug Medi-Cal amount by \$46,075 and transfer the contract and Drug Medi-Cal responsibilities from the State Department of Alcohol and Drug Programs to the Department of Health Care Services, with all other provisions remaining the same.

The Board approves as recommended by the County Administrative Officer.

14. Request to amend the fixed asset list for Fiscal Year 2012-13 to add a camera surveillance system for the Psychiatric Health Facility in order to replace the current system and approve a budget adjustment in the amount of \$38,000 from unanticipated revenue to Fund Center 166-Behavioral Health.

The Board approves as recommended by the County Administrative Officer.

15. Request to approve a contract (Clerk's File) with County Office of Education for FY 2012-13 in an amount not to exceed \$200,000 to provide outpatient drug-free substance abuse treatment services to students enrolled in Sober School programs.

The Board approves as recommended by the County Administrative Officer.

16. Request to approve an amendment (Clerk's File) to the standard agreement with the California Department of Corrections and Rehabilitation (CDCR) to delete language regarding the term of the agreement, with all other provisions remaining the same.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Library Items:

17. Request to declare the chandelier in the lobby of 6555 Capistrano in Atascadero, the future site of the new Atascadero Library, to be surplus County equipment, so that it may be sold and the proceeds added to the funding for the construction of new Atascadero Library.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

18. Submittal of resolution approving and accepting an open-space agreement granting an open space easement for Conditional Certificates of Compliance SUB2010-00006 with Harmohan Sohi. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-253, adopted.

19. Submittal of a resolution proclaiming October 2012 as "Energy Awareness Month" in San Luis Obispo County. All Districts.

Mr. Trevor Keith: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-254, adopted.

20. Submittal of a resolution for participation in the Institute for Local Government's Beacon Award: Local Leadership toward Solving Climate Change Recognition Program. All Districts.

Mr. Trevor Keith: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-255, adopted.

Consent Agenda - Public Works Items:

21. Submittal of a resolution of application to approve initiation of proceedings for the amendment of the

sphere of influence and annexation of Tract 1747 into the Nipomo Lighting District. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-256, adopted.

22. Request to approve the Cooperative Agreement for State Minor Funds Contribution, in the amount of \$900,000, with Department of Transportation (Caltrans) for the Highway 1 and 13th Street Drainage Improvement Project in Oceano. District 4.

Ms. Julie Tacker and Mr. Dave Flynn – Public Works Deputy Director: speak.

The Board approves as recommended by the County Administrative Officer.

23. Request to approve the “Freeway Maintenance Agreement with County of San Luis Obispo” and Amendment No. 5 to “Agreement of Sharing Costs of Electrical Facilities on State Highway” with Department of Transportation (Caltrans) for the Willow Road Extension Phase II and U.S. Highway 101 Interchange Project, Nipomo, CA, Contract No. 300129/300142, Federal Project No. FHWA Q101(189). District 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Sheriff - Coroner Items:

24. Request to approve a contract with Patrick Elliot, in an amount not to exceed \$8,000 annually, to provide specialized services as related to coroner and pathological investigations through June 30, 2014.

The Board approves as recommended by the County Administrative Officer.

Presentations:

25. Submittal of a resolution recognizing the 50th Anniversary of the Morro Bay Museum of Natural History.

Mr. Nick Franco - San Luis Obispo Coast District California State Parks District Superintendent: speaks.

RESOLUTION NO. 2012-257, a resolution honoring the 50th anniversary of the Morro Bay Museum of Natural History, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

26. Submittal of a resolution proclaiming October 2012 as "Healthy Communities Month" in San Luis Obispo County.

Ms. Stephanie Teaford and Ms. Janice Fong Wolf – San Luis Obispo County Community Foundation Grants and Programs Director: speak.

RESOLUTION NO. 2012-258, a resolution proclaiming October 2012 as “Healthy Communities Month” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
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Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

27. Submittal of a resolution of intent to participate in “The Great California ShakeOut” and work toward becoming a safer community.

Ms. Michelle Skiermont – Office of Emergency Services Emergency Coordinator (powerpoint presentation): speaks.

RESOLUTION NO. 2012-259, a resolution of intent to participate in the Great California Shakeout and work toward becoming a safer community, adopted.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

28. Presentation by the Coalition for Hunger Free Communities of the Hunger Free Community Action Plan entitled "Paradox of Plenty: A Community Roadmap for Overcoming Hunger in San Luis Obispo County."

Mr. Joel Diring (powerpoint presentation): speaks.

Chairperson Patterson: opens the floor to public comment.

Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB), Mr. Jeff Grandinetti, Mr. Eric Greening and Mr. Ron Alsop – Office of Emergency Services: speak.

The Board receives and files the report.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Public Comment Period:

29. This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Ms. Julie Rodewald - County Clerk-Recorder: provides an update on the upcoming November 6, 2012 Presidential General Election; the new California Online Voter Registration system; and reminds voters that that Monday, October 22, 2012 is the last day to register to vote.

Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB) (Map): addresses concerns relating to the upcoming hearing on November 13, 2012 regarding the Ag Cluster Subdivision Ordinance.

Mr. Eric Greening: questions the conduct of the upcoming agendized discussion scheduled on October 30, 2012 regarding the proposed seismic testing.

Ms. Sharron Rippner, Mr. Ted Levine, Mr. Amir Burstein and Mr. William Ostrander (handout) - Move to Amend: discuss various issues concerning the current inability to regulate how money is spent and by whom for elections; the need to amend the constitution to define money as property not speech; and requests a Board discussion to issue a resolution in support of this amendment effort.

Mr. Ben DiFatta, Ms. Gwynn Taylor, Ms. Julie Tacker, Ms. Linde Owen (photographs), Mr. Richard Margetson (handouts) and Mr. Al Barrow: address concerns related to the Los Osos Wastewater Project (LOWWP). Additionally, Ms. Owen comments on need to continue broadcasting the Board of Supervisor meetings on KCBX radio.

Dr. C. Hite - Rural Community Workshop: comments on the community of Los Osos and the proposed seismic testing. **No action taken.**

Board Committee Reporting:

30. This is the time set for Board Members to report on various committee activities.

Board Members: comment on their committee activities with the Friends of the Cambria Library; the Local Agency Formation Commission (LAFCO) and the South County Area Transit (SCAT) Board. Furthermore, Supervisor Hill announces a ceremony in honor of Christopher Meadows at Madonna Inn on October 26, 2012 at 10:30 AM; Supervisor Mecham announces a local historical symposium this weekend in Atascadero, Templeton and Paso Robles; and Chairperson Patterson announces the Atascadero Community Church will be holding a discussion panel and a film titled "Homeless Not Hopeless" on October 25, 2012 at 7:00 PM and states the film will also be shown at the San Luis Obispo Mission Church on November 8, 2012 at 7:30 PM. **No action taken.**

Hearings:

31. Hearing (introduced on September 25, 2012) to consider an ordinance amending Chapter 3.08 (Transient Occupancy Tax) of Title 3 (Revenue and Finance) of the County Code to amend and update in order to streamline the remittance of county funds, allow for the recovery of collection costs, simplify the hearing and appeal process, and clarify existing policies and procedures. All Districts.

Mr. Justin Cooley – Tax Collector: amends the recommendation to clarify that the Board is being asked to adopt the proposed ordinance.

Chairperson Patterson: opens the floor to public comment without response.

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3232, an ordinance amending Chapter 3.08 of Title 3 of the San Luis Obispo County Code regarding Transient Occupancy Tax, adopted. Furthermore, the Board directs the Clerk to publish a summary in a newspaper of general circulation within 15 days after adoption of the ordinance.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

32. Hearing to consider an appeal by Plains Exploration and Production Company of Public Facility Fees on various building permits. District 3.

Mr. Matt Janssen – Planning and Building: states they need more time for further evaluation.

Chairperson Patterson: opens the floor to public comment without response.

The Board continues the hearing to Tuesday, October 30, 2012.

Motion by: Frank R. Mecham
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business:

33. Consider a request by the County of San Luis Obispo to consider authorizing the processing of amendments to the Land Use Ordinance (Title 22 of County Code), the Coastal Zone Land Use Ordinance (Title 23 of the County Code) and the Real Property Division Ordinance (Title 21 of County Code) to modify various sections including the Flood Hazard Combining designation to comply with the federal law requirements of Federal Emergency Management Act (FEMA) – LRP2012-00002. All Districts.

Chairperson Patterson: opens the floor to public comment without response.

The Board authorizes the processing of amendments to the Land Use Ordinance (Title 22 of County Code), the Coastal Zone Land Use Ordinance (Title 23 of the County Code) and The Real Property Division Ordinance (Title 21 of County Code) to modify various sections including the Flood Hazard combining designation to comply with the federal law requirements of FEMA.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

34. A presentation and strategic planning on fiber optic availability within San Luis Obispo County.

Mr. Guy Savage –General Services Agency Information Technology (powerpoint presentation): speaks.

Chairperson Patterson: opens the floor to public comment.

Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB), Mr. Rob Rosales – Templeton Chamber of Commerce, Ms. Christine Rogers - Economic Vitality Corporation (EVC) and Mr. Tim Williams: speak.

The Board receives the presentation on fiber optic availability and directs staff to gather more input from the Economic Vitality Corporation (EVC) and other interested parties and return to the Board with a more comprehensive prioritized list by the end of the year.

Closed Session Items:

35. The Board announces they will be going into Closed Session regarding:

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Sunny Acres, et al. v. County of San Luis Obispo, et al., (CV 090360); 2. County of SLO v. Kajima Construction Services, et al., 3. San Luis Obispo County Deputy County Counsel Association, et al. v. San Luis Obispo County Pension Trust Board, et al.

- B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 4. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 5. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

Chairperson Patterson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, October 16, 2012, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: October 19, 2012